



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

October 24, 2005

Mr. Thomas P. Jacobus
General Manager
Washington Aqueduct
U.S. Army Corps of Engineers,
Baltimore District
5900 MacArthur Boulevard, NW
Washington, DC 20016

Re: Final Environmental Impact Statement (EIS) for the Washington Aqueduct Residuals Project. CEQ #20050154

Dear Mr. Jacobus:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the above referenced project.

The Washington Aqueduct removes sediment from water drawn from the Potomac River by adding aluminum sulfate as a coagulant. In the past the solids accumulated as part of this process were periodically flushed to the Potomac River. Under the current NPDES permit (issued March 19, 2003; amended and re-issued February 27, 2004), the allowable concentration of residuals that may be discharged by Washington Aqueduct to the Potomac River has been significantly reduced to achieve appropriate technology and water quality-based levels consistent with the NPDES permits of other water treatment plants. The NPDES permit allows the Washington Aqueduct to select the method of treatment so long as the effluent limits in the NPDES permit are achieved. EPA and the U.S. Army Corps of Engineers (Corps) entered into a Federal Facilities Compliance Agreement ("FFCA") to establish a schedule to allow the Washington Aqueduct a reasonable time period to select and install treatment to comply with its NPDES Permit. The FFCA schedule takes into account the Washington Aqueduct's NEPA obligations and related regulations and guidance, as well as the procedures and time lines set out in the Federal Acquisition Regulations, the Department of Defense Acquisition Regulations, and the Department of the Army Acquisition Regulations.



EPA and the Washington Aqueduct entered into the FFCA pursuant to the Clean Water Act, 33 U.S.C. §§ 1251-1387, and Executive Order No. 12088 (Federal Compliance With Pollution Control Standards). The FFCA contains a "plan," as described in Section 1-601 of Executive Order No. 12088, for the Washington Aqueduct to achieve and maintain compliance with the NPDES Permit and the Clean Water Act. Although not required to do so, EPA solicited public comment on the FFCA due to the significant public interest in the Washington Aqueduct. EPA's notice of availability of a draft FFCA and request for public comment was published in the Washington Post and the Washington Times on March 17, 2003. The comment period was 30 days, and EPA received comments from five persons.

The draft EIS was published in April 2005. At the request of the public, the public comment period, originally scheduled to close June 6, 2005, was extended to July 6, 2005. This required an extension to an interim milestone in the FFCA to which EPA agreed. EPA provided comments on the draft EIS to the U.S. Army Corps of Engineers on June 27, 2005. EPA believes the Corps has adequately responded to our June 27, 2005 comments on the Draft EIS.

EPA met with a group known as the Concerned Neighbors, in August 2005, at their request, to ensure the Agency was aware of all the issues being raised with regard to environmental impact and compliance with the permit and schedule. Following the meeting with Concerned Neighbors and prior to the filing of the Final EIS, EPA consulted with the Washington Aqueduct to ascertain whether there were any feasible alternatives that had been foreclosed because of the FFCA deadlines. It was determined that no alternative had been eliminated solely on the basis of the end points of the FFCA schedule. EPA is not aware of any alternatives that have been screened out or not considered in the EIS solely because they would not achieve the schedule in the FFCA.

EPA believes that the Final EIS adequately considers the potential impacts of the preferred and other alternatives. EPA urges the Corps to take all feasible measures, including those connected with construction as well as with the selection and scheduling of haul routes, to minimize impact on the surrounding areas.

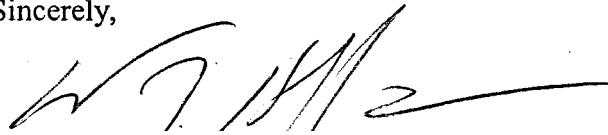
EPA also notes that the air quality impacts from the preferred alternative could be further mitigated. Accordingly, EPA urges the Corps to consider implementing innovative diesel emission reduction technology as mitigation measures for fine Particulate Matter (PM-2.5, Particulate Matter of less than 2.5 microns) emissions related to the residuals truck hauling. As you are aware, the Washington Aqueduct is located in a Nonattainment Area for fine Particulate Matter. The region will ultimately be required to develop measures in the future to reduce PM2.5 under a State Implementation Plan. However, the local community could benefit with the implementation of these PM2.5 measures now through diesel engine retrofits. The Corps could investigate the use of these diesel retrofits for the residual haul trucks or perhaps could reach out to the schools to support school bus retrofits in the local community. EPA has established the National Clean Diesel Campaign to voluntarily reduce diesel engine emissions and to provide technical and financial assistance to stakeholders interested in reducing diesel emissions. Additional information on these types of voluntary efforts can be found on our website at <http://www.epa.gov/cleandiesel/index.htm>.



EPA notes that we would support the use of a combination of alternatives or implementation of interim treatment alternatives while other alternatives are explored so long as such an approach is consistent with the requirements of the National Environmental Policy Act and achieves the project purpose and need of compliance with the requirements of the National Pollutant Discharge Elimination System permit within the time frame described in the Federal Facilities Compliance Agreement.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Kevin Magerr at (215) 814-5724.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. J. Hoffman', with a long horizontal flourish extending to the right.

William J. Hoffman, Chief
Environmental Programs Branch